

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TONY HAMILTON,

Plaintiff,

Case No. 2:23-cv-244

v.

HON. JANE M. BECKERING

UNKNOWN PERRY, et al.,

Defendants.

ORDER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. The remaining Defendants filed a Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 28). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 30) on March 24, 2025, recommending that this Court grant in part and deny in part the motion. The Report and Recommendation was duly served on the remaining parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 30) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 28) is GRANTED IN PART AND DENIED IN PART. Specifically, the motion is granted as to Plaintiff's Eighth Amendment denial of medical care claim against Defendant Schroeder (Claim 4). The motion is denied as to Plaintiff's First Amendment retaliation claim against Defendant Watson (Claim 2); Plaintiff's Eighth Amendment excessive force claim

against Defendants Watson, Perry, Johnson, Lakanen, Zonza, Nichols, Balini, and Voeks (Claim 1); and Plaintiff's Eighth Amendment denial of medical care claim against Defendants Suvanto (Kelly) and Perry (Claim 3).

Defendant Sarah Schroeder is TERMINATED from this action.

Dated: April 21, 2025

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge